

PATENT  
Attorney Docket No. 101.0053-01000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                              |   |                         |
|------------------------------|---|-------------------------|
| In re Application of:        | ) | Confirmation No.: 4993  |
| Gary Karlin Michelson        | ) |                         |
| Serial No.: 10/047,545       | ) | Group Art Unit: 3764    |
| Filed: January 16, 2002      | ) | Examiner: Michael Brown |
| For: THREADED FRUSTO-CONICAL | ) |                         |
| INTERBODY SPINAL FUSION      | ) |                         |
| IMPLANTS                     | ) |                         |

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Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination (RCE) in the above-referenced application.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and Applicant determines that the cited document does not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 27, 2006

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